

Mr. Moore's direct line: (512) 322-5881
jmoore@lglawfirm.com

February 28, 2011

Ms. LaDonna Castañuela
Chief Clerk
Texas Commission on Environmental Quality
Bldg. F, Room 4301
Austin, Texas 78753

VIA ELECTRONIC FILING

RE: SOAH Docket No. 582-09-2895; TCEQ Docket No. 2008-1305-MWD;
Application of Farmersville Investors, LP, for TPDES Permit No.
WQ0014778001

Dear Ms. Castañuela:

Farmersville Investors, LP, the Applicant in the above-referenced contested matter (the "Applicant"), has received and reviewed the Amended Proposal for Decision (the "PFD") issued by Administrative Law Judge Sharon Cloninger following the contested case hearing on remand on the above-referenced application, as well as the Judge's proposed order issued in conjunction with the same.

The Applicant believes that the amended PFD reflects Judge Cloninger's careful consideration of the issues relevant to the above-referenced application, and that it demonstrates her thoughtful analysis of the evidence admitted into the record during both the original and the remanded evidentiary hearings. The Applicant believes strongly that each of the ultimate conclusions Judge Cloninger reaches in the amended PFD and her proposed order is supported by the overwhelming weight of evidence contained in the record.

Accordingly, the Applicant takes no exception to any of the findings of fact or conclusions of law made by Judge Cloninger, and it urges the Commission to follow the Judge's recommendation on the application and issue the proposed order included with the amended PFD.

Respectfully submitted,


John R. Moore

cc: *Service List*

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of February, 2011, a true and correct copy of the foregoing document was provided by U.S. mail, hand-delivery or facsimile to the persons listed below:

FOR THE CHIEF CLERK:

LaDonna Castañuela
Texas Commission on Environmental Quality
Office of Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-3300
Fax: (512) 239-3311

FOR THE STATE OFFICE OF ADMINISTRATIVE HEARINGS:

The Honorable Sharon Cloninger
Administrative Law Judge
P. O. Box 13025
Austin, Texas 78711-3025
Tel: (512) 475-4993
Fax: (512) 475-4994

REPRESENTING THE EXECUTIVE DIRECTOR:

Kathy Humphreys, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division, MC-173
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-3417
Fax: (512) 239-0606

REPRESENTING THE PUBLIC INTEREST COUNSEL:

Amy Swanholm, Attorney
Texas Commission on Environmental Quality
Public Interest Counsel, MC-103
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-6363
Fax: (512) 239-6377

REPRESENTING THE PROTESTANTS:

Richard Lowerre
Marisa Perales
Attorney At Law
Lowerre, Frederick, Perales, Allmon & Rockwell
707 Rio Grande, Suite 200
Austin, Texas 78701
Tel: (512) 469-6000
Fax: (512) 482-9346



JOHN R. MOORE